

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV200-MU

RANDY L. THOMAS

Plaintiff,

vs.

R. HARCOURT FULTON AND JAMES
HAMMOND

Defendants.

ORDER

THIS MATTER is before this Court upon Defendant James Hammond's Motion for Prefiling Injunction (Document #7). For the reasons set forth below, this motion is **GRANTED**.

A federal court may issue a prefiling injunction when a litigant's vexatious conduct hinders the court from fulfilling its constitutional duty. Procup v. Strickland, 792 F.2d 1069, 1073-74 (11th Cir. 1986) (en banc). Such injunctions "must be narrowly tailored to fit the particular circumstances of the case." Brow v. Farrelly, 994 F.2d 1027, 1038 (3d Cir. 1993). Finally, a litigant faced with a prefiling injunction must be given notice and an opportunity to respond to the threat of an injunction. Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 819 (4th Cir. 2004)

This action is one of five that Randy Thomas has brought in this Court, all stemming from the same underlying claims. See Thomas v. Charlotte Mecklenburg Schools et al, 3:06-cv-00238; Thomas v. Helms Mulliss Wicker PLLC et al, 3:07-cv-00052; Thomas v Olshausen et al, 3:07-cv-00130; Thomas v. Mullen, 3:07-cv-00231. Not one of these actions has any merit, and has served only to hinder the judicial economy and efficiency of this Court.

The Motion for Prefiling Injunction was filed by Defendant Hammond on May 25, 2007. Plaintiff Thomas received notice of this filing in the customary manner, and he has not elected to respond. He is now out of time to respond to the motion, which requests that Mr. Thomas receive permission from the Court before filing any more documents with the Court. Granting this motion is not an outright ban on Mr. Thomas's right to file any more documents, rather, it is a narrowly tailored solution to what is becoming an overwhelming problem.

THEREFORE IT IS ORDERED that Mr. Thomas is banned from making any further filings against government officials and their counsel without first obtaining express permission from the Court.

IT IS SO ORDERED.

Signed: June 18, 2007

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

